IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 11 OF 2007

Sachin Chandrakant Bhujbal ..Applicant

Vs.

State of Maharashtra ..Respondent

Ms. Rupali Deo Sathe for applicant.
Mr. U.V. Nikam, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : January 10, 2007.

P.C.:

1. Shri Shamrao Dattatraya Adbhai lodged an FIR on 19/10/2006 for offences punishable under Sections 361, 363, 366-A and 342 read with Section 34 of IPC against three persons, namely, Bharat Aswar, Sachin Temgire, Vishwas Nalawade, in addition to the present applicant and alleged that his minor daughter Shradha was abducted and subjected to forcible sexual intercourse by the present applicant. Apprehending arrest, the applicant had approached the Sessions Court for anticipatory bail in Criminal Application No.2506 of 2006 and the same has been rejected on 2/12/2006. Thereafter Criminal Application No.4362 of

2006 was filed before this court on 8/12/2006 but it was withdrawn and all the accused had filed Writ Petition No.2814 of 2006 for quashing and in the said petition the applicant was granted liberty to file fresh anticipatory bail application before this court and hence this application.

2. The learned APP has placed before me the investigation papers which show that on 22/10/2006 the victim's statement was recorded in which she did not alleg any incident of rape on her. However, on 29/10/2006 her supplementary statement is claimed to have been recorded and in the concluding paragraph of the said statement she is alleged to have stated that the applicant has subjected her to forcible sexual intercourse on 5-6 occasions during the last one year.

3. The victim's date of birth is 17/7/1990 and as on the day the FIR was registered she was above 16 years of age. When she was subjected to the medical examination, the Medical Officer, while writing down the case history, has recorded her statement in which she alleged that the applicant had subjected her to

forcible sexual intercourse on different occasions, the last being about a month back. The investigation papers also reveal that she was known to the accused and she was used to moving in their company. The applicant is a permanent resident of Otur, Taluka Junnar and he is studying at Annasaheb Waghire College, Otur. There is no difficulty for his being available for interrogation during the course of investigation as and when called upon by the I.O. Having regard to the investigation papers placed before me, I am satisfied that the applicant need not be taken in custody for his interrogation and, therefore, this application deserves to be allowed.

4. It is, therefore, directed that in the event of arrest of the applicant in connection with C.R. No.52 of 2006 registered with Otur Police Station, he shall be released on bail on furnishing a PR bond in the sum of Rs.5000/- with one solvent surety for the like amount and on the condition that he shall report to the said police station every day between 3 p.m. to 5 p.m. for a period of four weeks.

(B.H. Marlapalle,J.)